

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DAWN ZANDER,

Plaintiff,

v.

NEW HAMPSHIRE INDEMNITY
COMPANY,

Defendant.

Case No. C05-5154FDB

ORDER GRANTING LEAVE TO
FILE AMENDED ANSWER

Defendant New Hampshire Indemnity moves to amend its answer to assert the affirmative defense that it was not properly served with the Second Amended Complaint for Damages. This motion comes only ten days after the Answer was filed, and the deadline for amended pleadings is June 5, 2006.

Plaintiff Zander objects arguing that service was properly accomplished, after an initial improper attempt, and that, therefore, the motion is moot.

If there has not been proper service, Defendant should be able to assert that defense. The time for filing amended pleadings has not passed.

ACCORDINGLY,

ORDER - 1

1 IT IS ORDERED: Motion of New Hampshire Indemnity Company for Leave To File an
2 Amended Answer [Dkt. # 26] is GRANTED. Plaintiff's request for sanctions against Defendant,
3 asserted in her Response to Defendant's motion, is DENIED.

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5 DATED this 15th day of December, 2005.

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8 FRANKLIN D. BURGESS
9 UNITED STATES DISTRICT JUDGE
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